

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

New Rules

■ PEST CONTROL

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Structural Pest Control Code (77 IAC 830; 39 Ill Reg 2010), effective 8/7/15, concerning management of records and penalties for violations of licensing rules. The rulemaking clarifies that each day during which the same violation exists will be counted as a separate violation. Operating without a license is transferred from the Type A violation penalty schedule (maximum fine of \$7,500 per violation) to the Type B schedule (maximum fine of \$2,000 per violation) and failure to provide information upon request is moved from the Type C schedule (maximum fine of \$350 per violation) to the Type B schedule. Employee training records must be kept until the employee becomes certified or is no longer employed. Service records of

certified technicians no longer require review by another certified technician, while records of uncertified technicians may be reviewed in electronic format by certified technicians. The rulemaking also requires the estimated amount of pesticides recorded on service records to be within 10% of the actual amount applied. Copies of service records must be provided upon request of the owner, manager or tenant of the property serviced. Accurate diagrams must also be included in service records for termite treatment. Pest control businesses, their owners and employees are affected by this rulemaking.

DPH REPEALERS

DPH also repealed three Parts titled Reference for Rules in Administrative Hearings under

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Proposed Rulemaking

■ DRIVER'S LICENSES

The SECRETARY OF STATE proposed amendments to Procedures and Standards (92 IAC 1001; 39 Ill Reg 11689) concerning procedures for SOS administrative hearings and appeals involving denials, suspensions, and revocations of driver's licenses or issuance of restricted driving permits. The amendments allow attorneys not licensed in Illinois to represent petitioners at hearings; update and clarify various aspects of documentation, notice, and hearing procedures; allow petitions to be filed by fax or electronic transmission as well as U.S. mail; amend and update definitions for consistency with statute; allow restricted driving permits to be issued for driving members of one's immediate family to and from school, for

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.

RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

New Rules

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Sections 2-110(d) and 3-410 of the Nursing Home Care Act (77 IAC 430; 39 Ill Reg 1985), Blood Labeling Code (77 IAC 460; 39 Ill Reg 1990) and Illinois Blood Bank Code (77 IAC 490; 39 Ill Reg 3355), all effective 8/7/15. Part 430 was repealed because its remaining provisions are included in 77 IAC 100. Parts 460 and 490 were repealed because their statutory authority, the Blood Labeling Act, has been repealed and replaced by the Illinois Clinical Laboratory and Blood Bank Act.

Questions/requests for copies of the 4 DPH rulemakings: Elizabeth Paton, DPH, 535 W. Jefferson, 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

■ HARNESS RACING

The ILLINOIS RACING BOARD adopted an amendment to Entries and Declarations (11 IAC 1312; 39 Ill Reg 5347), effective 8/10/15. A companion emergency amendment effective 4/1/15 appeared in the *Register* at 39 Ill Reg 5514. The rulemaking permits racetracks to uncouple (treat as separate

entries for betting purposes) harness racing entries that share the same owner. Entries may be coupled with the permission of the steward. Since 1st Notice, a provision allowing horses of separate ownership to be uncoupled with permission of the steward has been removed. Those involved in the harness horseracing industry may be affected.

Questions/requests for copies: Mickey Ezzo, IRB, 100 W. Randolph, Ste. 7-701, Chicago IL 60601, 312/814-5017.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the Committee's September 15, 2015 meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF HUMAN SERVICES

Early Intervention Program (89 IAC 500; 39 Ill Reg 6153)
proposed 5/8/15

TEACHERS' RETIREMENT SYSTEM

The Administration and Operation of the Teachers' Retirement System (80 IAC 1650; 39 Ill Reg 8243) proposed 6/12/15

SECRETARY OF STATE

Department of Personnel (80 IAC 420; 39 Ill Reg 6853)
proposed 5/15/15

General Rules, Definitions (92 IAC 1000; 39 Ill Reg 6869)
proposed 5/15/15

Proposed Rulemaking

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driving one's children to day care, or for driving disabled and elderly persons to day care; address rehabilitation programs and other factors to be considered in alcohol or drug-related license or permit decisions; and clarify requirements for certification as a Breath Alcohol Ignition Interlock Device (BAIID) provider. Those affected by this rulemaking include alcohol and substance abuse service providers and manufacturers of BAIIDs.

Questions/requests for copies/comments through 10/5/15: Marc Christopher Loro, SOS, 200 Howlett Bldg., Springfield IL 62756, 217/785-8245, fax 217/782-2192, mloro@ilsos.net